

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**ePLUS INC.,** )  
 )  
 )  
**Plaintiff,** )  
 )  
**v.** ) **Civil Action No. 2:09cv232-HCM-TEM**  
 )  
**PERFECT COMMERCE, INC.,** )  
**SCIQUEST, INC., and** )  
**LAWSON SOFTWARE, INC.,** )  
 )  
**Defendants.** )

**PLAINTIFF ePLUS INC.'S INITIAL DISCLOSURES  
PURSUANT TO FED. R. CIV. P. 26(A)(1)**

Pursuant to Fed. R. Civ. P. 26(a)(1), Plaintiff ePlus inc. ("ePlus") makes the following initial disclosures:

**A. IDENTIFICATION OF INDIVIDUALS PURSUANT TO RULE 26(A)(1)(A)**

Pursuant to Rule 26(a)(1)(A), ePlus presently believes that the following individuals are likely to have discoverable information that ePlus may use to support its claims or defenses, excluding persons to be used solely for impeachment. The subjects of discoverable information for which these individuals are identified are also provided.

Farber, Kenneth  
ePlus  
13595 Dulles Technology Drive  
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Subject(s): daily operations of ePlus Systems, development, sales, client support and strategic product planning for ePlus Systems, Procure<sup>+</sup>, Content<sup>+</sup> and Document systems, ePlus organizational structure, responses to potential customers' Request for Proposals for electronic sourcing and procurement products and services, competition against Defendants.



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*ePlus reserves the right to rely upon any additional documents obtained through further discovery and investigation, and any documents identified by the defendants.*

**C. COMPUTATION OF DAMAGES**

*ePlus has incurred economic harm as a result of defendants' infringement of the patents-in-suit. Pursuant to 35 U.S.C. § 283, ePlus seeks injunctive relief from defendants' continued infringement of the patents-in-suit. In addition, pursuant to 35 U.S.C. § 284, ePlus seeks damages adequate to compensate it for defendants' infringement of the asserted patents-in-suit in the form of at least a reasonable royalty to compensate ePlus for defendants' patent infringement, together with pre- and post-judgment interest and costs as fixed by the Court. ePlus will also seek increased damages based upon defendants' willful infringement of the patents-in-suit. ePlus also seeks attorneys fees pursuant to 35 U.S.C. § 285 or other applicable law.*

As to the calculation of the amount of damages to which *ePlus* is entitled, it is difficult at this time for *ePlus* to make any computation of damages based upon either reasonable royalty or other additional awards absent further discovery and disclosures by the defendants. However, *ePlus* is in the process of retaining experts to help form a more definite damages computation. *ePlus* reserves the right to modify its damages theories and calculations or to seek damages under different theories as appropriate in view of information to be discovered in this case and in view of further anticipated expert opinions on the subject of damages.

**D. INSURANCE AGREEMENTS**

*ePlus is not aware of any insurance agreements pertinent to this litigation.*

ePLUS, INC.

Date: August 11, 2009



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